

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:11CR30-MOC-DSC**

**UNITED STATES OF AMERICA** )  
 )  
 **v.** )  
 )  
 **ALVARO SAMUEL NUNEZ TELLEZ,** )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on the letter received March 29, 2012 from Defendant (document #19) to District Judge Max O. Cogburn, Jr. Judge Cogburn referred the letter to the undersigned on March 30, 2012. The Court conducted a hearing on this matter on April 11, 2012.

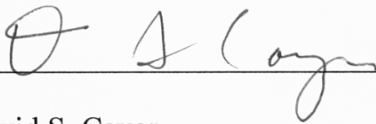
Having fully considered the arguments, the record, and the applicable authority, the Court finds that there is no basis for removal of counsel for Defendant, as discussed below.

Defendant's letter states that he and his family have been unable to reach his appointed counsel, Richard L. Brown, Jr., by telephone. He also asks the Court to appoint Emily Marroquin as his attorney. The Court advised Defendant that he is not entitled to appointed counsel of his own choosing. Mr. Brown responded that he has spoken with Defendant and his sister by telephone, and that he is awaiting receipt of the pre-sentence report. Defendant also told the Court that he wanted to know how much time he was facing. The Court reminded him that he had been advised of the maximum penalties at his first appearance and during his plea hearing. The Court further explained that Defendant would be reviewing a guideline calculation with his counsel upon receipt of the pre-sentence report. The Defendant indicated that he was satisfied with the Court's explanation. Based upon the above facts, the Court does not find that there is any basis for removal of Mr. Brown as counsel for Defendant.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Max O. Cogburn, Jr.

**SO ORDERED.**

Signed: April 11, 2012

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer  
United States Magistrate Judge

